The following list contains the entire submission submitted February 24, 2023 02:40:02pm ET, and is formatted for ease of viewing and printing.

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Request

Request ID	595441
Confirmation ID	594901
Request description	This is a request under the Freedom of Information Act. On behalf of the America First Policy Institute, I request all e-mails sent to or from (including CC and BCC e-mails) the specified EPA employees list provided that contain any of the following keywords: "Ohio", "East Palestine", "train", "derailment", "Pete", "Buttigieg", "Norfolk Southern", "NTSB", "PSR", "butyl acrylate", "ethylhexyl acrylate", and/or "vinyl chloride". This request does not encompass mass distribution e-mails (i.e. all-staff/bureau announcements, news clipping e-mails) where the search terms are included solely in the mass distribution article alone; provided further that this request does encompass any responses or replies sent to such e-mails. Date Range for Record Search: From 2/1/2023 to 2/24/2023.

Supporting documentation

Fees

Request category ID	media
Fee waiver	yes

Explanation

AFPI requests a fee waiver under 5 U.S.C. § 552(a)(4)(A)(ii). The America First Policy Institute is a 501(c)(3) non-profit organization. We research public policies that put the American people first and disseminate that research to the public and policymakers. This mission primarily consists of gathering and analyzing information about current events and/or information of current interest to the public and publicizing that information and analysis through our website (www.americafirstpolicy.com). These activities qualify AFPI as a representative of the news media as that term is defined in the Freedom of Information Act. We are (1) an entity that gathers information (including through, but not limited to, FOIA requests) that is (2) of potential interest to a segment of the public (those who share our America First Agenda) and (3) uses editorial skill to turn these raw materials into a distinct work (such as the reports that we produce) and (4) distributes that work to an audience (through e-mail distribution to those who sign up for reports, as well as publishing them online at www.americafirstpolicy.com). See for example these reports, which were based on information gathered from FOIA requests: https://americafirstpolicy.com/latest/20220914-union-arbitrators-overturn-most-federal-employee-dismissals https://assets.americafirstpolicy.com/assets/uploads/files/Research_Report_-_AFGE_Corruption_Warrants_Investigation_.pdf The D.C. Circuit Court of Appeals has held that 501(c)(3) non-profit advocacy organizations can be "representatives of the news media" for FOIA purposes. See for example then-Judge Garland's decision in Cause of Action v. Federal Trade Commission, 799 F.3d 1108 (D.C. Cir. 2015) holding the Cause of Action Institute – a 501(c)(3) nonprofit advocacy organization – a representative of the news media. See also Nat'l Sec. Archive v. U.S. Dep't of Defense, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public"). Further, the content of this FOIA request will inform our research products on the federal labor policy, attorney fee awards, and the civil service. I further note that AFPI's status as a representative of the news media has been recognized by multiple federal agencies, including the Department of Labor, the Department of Interior, the Department of Agriculture, the National Labor Relations Board, the Federal Labor Relations Authority, and the Office of Personnel Management.

Willing to pay $0

Expedited processing

Expedited Processing   no